

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*Jennifer Artz, et al. v. Endo Health Solutions Inc., et al.*

Case No. 1:19-OP-45459

*Michelle Frost v. Endo Health Solutions Inc. et al.*

Case No. 1:18-OP-46327

*Salmons v. Purdue Pharma L.P., et al.*<sup>1</sup>

Case No. 1:18-OP-45268

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**DEFENDANTS' MOTION TO FILE UNDER SEAL OPPOSITION TO  
NAS PLAINTIFFS' MOTION FOR CLASS CERTIFICATION  
AND ACCOMPANYING EXHIBITS**

Defendants respectfully move this Court for leave to file under seal unredacted versions of their Opposition to NAS Plaintiffs' Motion for Class Certification and selected exhibits attached thereto.<sup>2</sup>

Prior to filing the Opposition brief and exhibits, Defendants contacted Special Master Cohen regarding the proper procedure for filing documents containing potentially confidential information, including Plaintiffs' personal and medical information. Ex. A. Special Master

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<sup>1</sup> Defendants list *Salmons* here because it is included in the caption of Plaintiffs' Motion, even though no plaintiff in *Salmons* is proposed as a representative of any class. The fourth case included in the caption to Plaintiffs' motion, *Flanagan v. Purdue Pharma, L.P.*, has since been dismissed.

<sup>2</sup> Several defendants named in this litigation are not subject to the Court's personal jurisdiction. This opposition is filed subject to and without waiving all defenses, including but not limited to lack of personal jurisdiction, failure of service of process, and ineffective service of process.

Cohen directed Defendants to concurrently file redacted copies with the Court and email Plaintiffs' counsel unredacted copies for review, and then file unredacted copies under seal if Plaintiffs determined the medical information should remain confidential. *Id.* Plaintiffs have now reviewed the documents and request that the information contained therein remain confidential.

In addition, two of the expert reports attached as Exhibits 44 and 50 to Defendants' motion include discussion of confidential information produced by certain manufacturers regarding their marketing activities. These experts both relied upon and cited to documents and testimony identified as confidential in Track One, and the confidentiality should be maintained in their reports at this stage of the litigation.

Accordingly, Defendants seek leave of the Court to file unredacted versions of the Opposition brief and the following exhibits under seal:

- **Exhibit 6:** excerpts from the deposition transcript of Jacqueline Ramirez, dated February 5, 2020.
- **Exhibit 7:** Vons Pharmacy Store No. 2436 Records bearing Bates Stamps RamirezR00064-101.
- **Exhibit 8:** Vons Pharmacy Store No. 2678 Records bearing Bates Stamps RamirezR00049-63.
- **Exhibit 9:** Ramirez Delivery Room/Newborn Record bearing Bates Stamp RamirezR000225.
- **Exhibit 10:** R.R. Neonatology Consult bearing Bates Stamp RamirezR000223.
- **Exhibit 11:** R.R. Discharge Summary bearing Bates Stamps RamirezR000245-247.

- **Exhibit 12:** R.R. Neonatal Abstinence Scoring System bearing Bates Stamps RamirezR000179-185.
- **Exhibit 13:** NAS Plaintiff Fact Sheet for Jacqueline and Roman Ramirez.
- **Exhibit 14:** Letter dated March 19, 2019, from the Tri-Counties Regional Center, bearing Bates Stamp Ramirez-000136.
- **Exhibit 15:** R.R. Notice of Denial of Eligibility bearing Bates Stamps Ramirez-000109-114.
- **Exhibit 16:** Bates Stamps Ramirez-000115-126.
- **Exhibit 17:** R.R. Vons Pharmacy Prescription Records.
- **Exhibit 18:** R.R. Walgreens Pharmacy Prescription Records bearing Bates Stamps Ramirez-000377-378.
- **Exhibit 19:** Excerpts from the deposition transcript of Melissa Barnwell, dated February 7, 2020.
- **Exhibit 20:** NAS Plaintiff Fact Sheet Supplemental Information for Melissa Barnwell.
- **Exhibit 21:** E.G. Discharge Summary bearing Bates Stamps Barnwell-002748-49.
- **Exhibit 22:** C.G. Pediatric Progress Notes Bates Stamps Barnwell-000213-214.
- **Exhibit 23:** South Court Pharmacy Records bearing Bates Stamps Melissa P. Barnwell\_South Court Pharmacy\_Pharmacy\_001-043.
- **Exhibit 24:** Declaration of William Boyd, dated October 5, 2020.
- **Exhibit 25:** C.G. Discharge Summary bearing Bates Stamps Barnwell-000160-161.

- **Exhibit 26:** C.G. Neonatal Abstinence Scoring System bearing Bates Stamp Barnwell-000658.
- **Exhibit 27:** E.G. ROI Packet bearing Bates Stamp Barnwell-002565.
- **Exhibit 28:** Excerpts from the deposition transcript of Erin Doyle, dated January 24, 2020.
- **Exhibit 29:** D.F. Discharge Summary bearing Bates Stamps Frost-000018-39.
- **Exhibit 30:** Excerpts from the deposition transcript of Michelle Frost, dated February 10, 2020.
- **Exhibit 31:** Excerpts from D.F. Inpatient Discharge Summary bearing Bates Stamps Frost-000106, 108, 118, 121-22, 124-127, 130.
- **Exhibit 36:** Excerpts from the deposition transcript of Ashley Poe, dated September 1, 2020.
- **Exhibit 37:** P.P.R.P. Discharge Summary.
- **Exhibit 38:** NAS Plaintiff Fact Sheet Supplemental Information for Ashley Poe.
- **Exhibit 39:** P.P.R.P. Progress Notes bearing Bates Stamp Poe-005216-17.
- **Exhibit 40:** Excerpts from P.P.R.P. Medical Records.
- **Exhibit 42:** D.F. Berger Hospital Records bearing Bates Stamps Frost-000151, 154.
- **Exhibit 43:** C.G. Pediatric Discharge Notes bearing Bates Stamps Barnwell-000163 & -000166.
- **Exhibit 44:** Expert Report of Sean Nicholson, dated February 21, 2020.
- **Exhibit 45:** NAS Plaintiff Fact Sheet of Jennifer Artz.
- **Exhibit 50:** Expert Report of Pradeep K. Chintagunta, dated February 26, 2020.

October 16, 2020

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I, Mark H. Lynch, hereby certify that on the 16th day of October, 2020 *Defendants' Motion to File Under Seal Opposition to NAS Plaintiffs' Motion For Class Certification and Accompanying Exhibits* was served via the Court's ECF system to all counsel of record.

/s/ Mark H. Lynch  
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